Secrets. 11-27—58,004—27-10-47.

(4)

HOME (1948) Department.

MS SERIES.

G.O. NO. 2927

Dated 30th July 1948

[Despatch Abstract.]

COURTS - Criminal - South Kanara district - Trial of cases relating to Bogus lotteries - First Class Magistrate and staff - Continuance - Sanctioned.

D

65528D
23.7.48

1

R.O.C. No. 4983/48-D3.

From

P. T. Raman Nayar Esquire, I.C.S.,
Registrar, High Court, Madras.

To

The Secretary to Government,
Home Department, Fort St.George,
MADRAS. (with enclosure).

ASSISTANT SECRETARY TO GOVERNMENT
23 JUL 1948

Dated the 20th July 1948.

Sir,

Sub: Courts - Criminal - Court of the Special First Class Magistrate for the trial of bogus lottery cases - South Kanara - Continuance upto 31-10-1948 - Proposal.

---

infra

I am directed to forward for orders of Government copy of letter C. No. 4581-48-MHC dated 10-7-1948 from the District Magistrate South Kanara on the subject cited. The Hon'ble the Judges recommend the proposal of the District Magistrate. I am to invite your attention to my letter R.O.C.No.2047/48-D3, dated 31-3-1948 wherein the continuance up to 31-10-1948 of the Special First Class Magistrate, was recommended to Government.

f.1 ~ Eg MS No. 1435 Home d/ 19 4 48 (E)

Necessary provision has been made in the Budget for the continuance of the Special First Class Magistrate and staff.

P. T. Raman Nayar

REGISTRAR.

tmv.

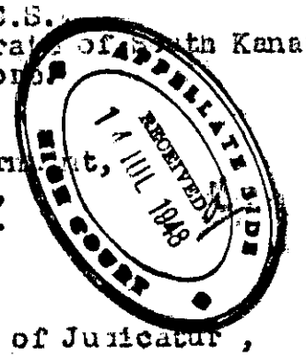
D

4983/48D 3

Ref.C.No.4501-48-MC. South Kanara Dt. [illegible] Office, Mangalore dated 10--7-1948.

From

S. R. Kaiwar [illegible]sq., I.C.S.,
District Magistrate of South Kanara,
Mangalore.



To

The Secretary to Government,
Home Department,
Madras.

Through,

The Registrar,
The High Court of Judicature,
Madras.

Sir,

COURTS:- Criminal - Court of the Special I class Magistrate for the trial of bogus lottery cases, South Kanara - continuance upto 31-10-1948- sanction - sought for.

(P) ~~R DIS 406/47~~ Ref.1. G.O.Ms.No.1162, Home, dated 22-4-47.
(S) ~~R.DIS 406/47~~ 2. G.O.Ms.No.129, Home, dated 12-1-48.
(R) ~~R Dis 4 Cts/48~~ 3. G.O.Ms.No.1435, Home, dated 19-4-48.

****

The period of retention of the court of the Special First class Magistrate for the trial of bogus lottery cases, Mangalore established in the G.O. first cited above and whose retention was further sanctioned in the subsequent two G.O. cited above, expires on 31-8-1948.

2. Out of the 4 cases in which the High Court has quashed the charges, in 3 cases Government have sanctioned in G.O.Ms.No.1964 (Home), dated 25-5-48 the enquiry under Section 188, I.P.C. The prosecution have since filed charge sheets in these 3 cases. 38 prosecution witnesses have been cited in these 3 cases. Some of them are residing in Cochin and Travancore states. Apart from these three cases in C.C 1647 the accused persons have not yet been apprehended and non bailable warrants issued against them are pending execution.

3. In all 70 prosecution witnesses have to be examined-in-chief - 40 have yet to be further cross-examined. In addition to this defence witnesses to be cited in 12 cases have also to be examined. The witnesses are mostly residing outside the district and it will take time to get the summonses served and their presence is secured. In the circumstances I consider that it will not be possible for the Magistrate to dispose of all the cases before the end of October 1948. I request that sanction may kindly be accorded for the continuance of the special I class magistrate and his staff (last extended in G.O.Ms.No.1435, Home, dated 19-4-48) till 31-10-1948.

4. A statement showing the progress made in the hearing of each case is appended.

Yours faithfully,

S. R. Kaiwar 12/7/48

For Dt. Magistrate.

Copy to A section.
Copy to the Special First Class Magistrate for the trial of bogus lottery cases.

12/7/48

Particulars of calendar cases up to 7-7-1948 in the Court of the Special I Class Magistrate for trial of Bogus Entry cases, (Rao Sahib Charles S. John B.A.,) Mangalore with Kanara.

C.C. No.	No. of P.Ws. yet to be examined.	No. of P.Ws. yet to be further cross-examined.	No. of D.Ws. to be examined.	Remarks
1,2 & 6/47	...	Nil	Nil	Trial completed. Adjourned for arguments and judgment.
3/47	...	...		Nil.
4/47	...	7	Defence witnesses to be cited.	P.Ws to be further cross-examined have to come from Bombay and Miraj. The accused being residents of Bombay and Miraj may cite witnesses of Bombay and Miraj after further cross-examination is over. Trial completed. Heard arguments judgment reserved.
* 5/47 7/47	...	4	-do-	This accused is also an accused in C.C.No.3/47, He cited 20 witnesses for defence in C.C. 3/47. He may cite as many witnesses in C.C.7/47.
8/47	...	4	-do-	...
9/47	...	3	-do-	...
10/47 11/47 12/47 1/47	...	...	...	All the accused were discharged under section 258 Cr.P.C. as the High Court quashed all the charges as they related to Cochin and Travancore States and Bombay Presidency.
13/47	..	...	...	Trial completed - Adjourned for arguments and judgment.
15/47	...	8	...	
16/47	32	...	....	Two accused of Bombay after arrest had been let off by the Third Presidency Magistrate, Bombay on inadequate grounds. The present Pt.Magistrate, South Kanara wrote to the Chief Presidency-Magistrate, Bombay in letter dated 27-.-48 pointing out the action of the Third presidency Magistrate, Bombay. B.Ws issued again thereafter were returned unexecuted that the accused are not traced. N.B.W. issued to the special police staff are pending.
17/47			-do-	In this case accused, Prisoner from Yerwada Jail, Poona, was produced on 20-3-48. Out of the 4 witnesses for further cross examination, one witness has to come from Bombay. After further cross examination the accused may cite some defence witnesses from Bombay.

Particulars of calendar cases up to 7-7-1948 in the court of the special I class magistrate for trial of Bogus lottery cases, (Rao Sahib Charles S. John B.A.,) Mangalore South Kanara.

C.C. No.	No.of P.Ws. yet to be examined.	No.of P.Ws. yet to be further cross-examined.	No.of D.Ws. to be examined.	Remarks.
1,2 & 6/47	...	Nil	Nil	Trial completed - Adjourned for arguments and judgment.
3/47	...	...		Nil.
4/47	...	7	Defence witnesses to be cited.	P.Ws to be further cross-examined have to come from Bombay and Miraj. The accused being residents of Bombay and Miraj may cite witnesses of Bombay and Miraj after further cross-examination is over. Trial completed. Heard arguments judgment reserved.
5/47 7/47	...	4	-do-	This accused is also an accused in C.C.No.3/47, He cited 20 witnesses for defence in C.C. 3/47. He may cite as many witnesses in C.C.7/47.
8/47	...	4	-do-	...
9/47	...	3	-do-	...
10/47 11/47 12/47 1 '47	...	...	...	All the accused were discharged under section 258 Cr.P.C. as the High Court quashed all the charges as they related to Cochin and Travancor States and Bombay Presidency.
13/47	..	...	...	Trial completed - Adjourned for arguments and judg.nt.
15/47	...	8	...	
16/47	32	...	....	Two accused of Bombay after arrest had been let off by the Third Presidency Magistrate, Bombay on inadequate grounds. The present Dt.Magistrate, South Kanara wrote to the Chief Presidency- Magistrate, Bombay in letter dated 27-3-48 pointing out the action of the Third presidency Magistrate, Bombay. B.Ws issued again thereafter were returned unexecuted that the accused are not traced. N.B.W.issued to the special police staff are no ...ding.
17/47	...	4	-do-	In this case accused, Prisoner from Yerwada Jail, Poona, was produced on 20-3-48. Out of the 4 witnesses for further cross examination, one witness has to come from Bombay. After further cross examination the accused may cite some defence witnesses from Bombay.

6/

1/48	...	6	-do-	In these cases P.Ws have to come from Bombay and Miraj for further cross examination. As the accused are resident of Bombay and Miraj they may cite defence witnesses from Bombay and Miraj after completing further cross examination.
2/48		4	-do-	
3/48	13	...	...	After the receipt of the orders from the Government in G.O.Ms.No. 1964 (Home department, dated 29-5-48 sanctioning enquiry under section 188 Cr.P.C. the Prosecutor filed three fresh charge-sheets against the accused in O.C.Nos.10,11 and 12/47 and they were sent to this court by the Dt. Magistrate, South Kanara and were taken on file on 3-7-48) As some of the witnesses in these three cases are from Cochin, Travancore States sufficient time has to be given for service of summonses through the Heads of Police Department.
4/48	13	...	...	
5/48	12	...	...	
	70	40	-do-	Plus Defence witnesses to be cited in C.Cs.6,7,8,9,15,16,17 of '47 and C.Cs 1, 2, 3, 4 and 5 of 1948.

/True copy/

12/7

For Dt. Magistrate.

12.7.48

(C.No.65578.D/48)

E I D

HOME DEPARTMENT.

7

G.O. MS. No. 2927. dated 30.7.48

COURTS - Criminal - South Kanara district - Trial of cases relating to Bogus lotteries - ~~Special~~ First Class Magistrate and staff - Continuance - Sanctioned.

READ:- G.O. Ms. No. 1435, Home, dated 19-4-1948
From the Registrar, High Court, R.O.C. No. 4983/48-D3, dated 20th July 1948.

ORDER

His Excellency the Governor of Madras sanctions the retention up to 31st October 1948 or up to the date on which the need for the additional staff ceases whichever is earlier of the post of ~~Special~~ First Class Magistrate and staff in the South Kanara district last sanctioned in G.O. Ms.No.1435, Home, dated 19th April 1948.

2. The expenditure should be debited to the relevant sub-heads of appropriation under "27. Administration of Justice - h. Criminal Courts - Voted"

To the Hon. the C.J.
" D.M., South Kanara
" A.G. thro' the Fin.Dept.
" Rev. Dept.
" Board of Revenue.

NOTE:- The D.M., South Kanara considers that it may not be possible for the Special First Class Magistrate to dispose of all the cases pending on his file before the end of October 1948 as 70 prosecution witnesses have to be examined; 40 P.Ws have yet to be further cross-examined and in addition to this defence witnesses to be cited in 12 cases have also to be examined. and requests that the Special Court may be retained up to 31-10-1948. The ~~and has referred to~~ High Court ~~also~~ recommends the D.M's proposal. The draft order submitted is for approval. It may be sent to the Finance Dept. for acceptance before issue.

Finance (E.)

The draft order above may be acce

Home

Issued vide Govt. P/S No. 2927. Home